

REMARKS

This Preliminary Amendment is filed in the Request for Continued Examination (RCE) filed on even date herewith, and in response to the FINAL Office Action mailed on 9/16/2003, and in response to the Advisory Action mailed on 12/09/2003. All objections and rejections are respectfully traversed.

Please enter and consider the Amendment after FINAL Rejection under 37 C.F.R. 1.116 filed on November 12, 2003.

Claims 1-25 are in the case.

In the Advisory Action mailed on 12/09/2003, it is stated on the Continuation

Page:

“Continuation of 2. NOTE: Please refer to arguments in office action dated 11/12/2003 and reference Hjalmtysson et al., Figure 9 in regards to argument involving sending verification data stream to destination in response to receiving acknowledgement message, receiving response data stream from destination and checking characteristics of connection.”

Applicant's claimed novel invention, as set out in representative claim 1, comprises in part:

A method for operating a computer, comprising:

sending a call setup message over a computer network to a destination computer;

receiving an acknowledgement message from the destination computer indicating that the call setup message was received, the acknowledgement message indicating that a connection through the computer network is established between the computer and the destination computer;

sending a verification data stream to the destination computer in response to receiving the acknowledgement message, the verification data stream sent over the connection;

receiving a response data stream from the destination computer, the response data stream sent over the connection; and

checking a characteristics of the connection in response to the verification data stream and the received response data stream.

Applicant respectfully urges that the cited patent, Hjalmtysson et al. U.S. Patent No. 6,128,305 issued October 3, 2000, at the cited Fig. 9, discloses message transfers used to set up a connection, in particular it discloses processing a quality of service request. A discussion of Fig. 9 begins at Col. 16 line 66, and continues through col. 23 line 40. The Conclusion states, at Col. 23 lines 44-51:

“The present invention provides a new lightweight signaling architecture for packet data. The architecture is designed to use a relatively non-complex setup message which can incorporate a coarse quality of service description to establish a best efforts connection between two stations. The connection can be established on a hop-by-hop basis thereby allowing data to flow before the complete connection is established.”

Applicant understands that the data streams cited by the Examiner: “sending verification data stream to destination in response to receiving acknowledgement message”; and also “receiving response data stream from destination and checking characteristics of connection”; are the quality of service commit messages QoS, and the acknowledgment messages QoS ACK of Fig. 9. After the QoS ACK is sent, Fig. 9 shows data flowing in the connection.

Applicant respectfully urges that Applicant’s claimed invention tests an existing connection to see if it is working, rather than the cited patent’s simply setting up a connection. Particularly, Applicant’s claimed:

sending a call setup message over a computer network to a destination computer;

receiving an acknowledgement message from the destination computer indicating that the call setup message was received, the acknowledgement message indicating that a connection through the computer network is established between the computer and the destination computer uses a call setup message sent over an existing connection to stimulate the computer at the other end to respond that a *connection through the computer network is established*.

Then, in the next step in Applicant’s claim:

sending a verification data stream to the destination computer in response to receiving the acknowledgement message, the verification data stream sent over the connection,

a verification data stream is sent in response to the message that a *connection through the computer network is established.*

Applicant respectfully urges that the cited Hjalmtysson patent is totally silent concerning *sending a call setup message* over a connection which is already established, and then after receiving an acknowledgement message, *sending a verification data stream to the destination computer in response to receiving the acknowledgement message.*

After *sending a verification data stream to the destination computer*, Applicant's claimed novel invention further takes action by:

receiving a response data stream from the destination computer, the response data stream sent over the connection; and

checking a characteristics of the connection in response to the verification data stream and the received response data stream.

Applicant respectfully urges that the presently claimed invention is a way to test a previously established connection by transmitting real test data through the connection.

Further Applicant respectfully urges that Hjalmtysson simply discloses how to set up a connection, not how to test it after it has been set up, as is claimed in the present invention.

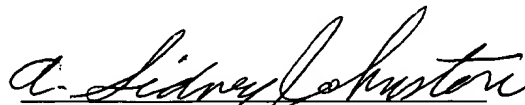
All independent claims are now believed to be in condition for allowance.

All dependant claims are believed to be dependant from allowable independent claims.

Applicant respectfully solicits favorable action.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



A. Sidney Johnston
Reg. No. 29,548
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500